

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

February 18, 2003

2:00 p.m.

The Council of the City of Roanoke met in regular session on Tuesday, February 18, 2003, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, William H. Carder, M. Rupert Cutler and Mayor Ralph K. Smith-----6.

ABSENT: Council Member Alfred T. Dowe, Jr.-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Horace D. Light, Pastor, Hollins Road Church of the Brethren.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

PROCLAMATIONS: The Mayor presented a proclamation declaring Tuesday, February 18, 2003, as former Congressman Jim Olin Day. He presented Mr. Olin with a Key to the City, and he presented Mrs. Olin with a crystal star.

BUDGET-MANAGEMENT AND BUDGET: The Mayor advised that the City of Roanoke's Department of Management and Budget has been honored by the Government Finance Officers Association with its Distinguished Budget

Presentation Award, which represents a significant achievement by the City of Roanoke. He stated that the award reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting; in order to receive the budget award, the recipient must satisfy nationally recognized guidelines for effective budget presentation and these guidelines are designed to assess how well the recipient's budget serves as a policy document, a financial plan, an operations guide and a communications device.

The Mayor presented a Certificate of Recognition for Budget Preparation and a Distinguished Budget Presentation Award to the City Manager and to Barry Key, Director of Management and Budget, with the congratulations of the Council and the citizens of the City of Roanoke.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. The Mayor called attention to three requests for closed session.

MINUTES: Minutes of the regular meeting of City Council held on Monday, November 20, 2000, and the regular meeting held on Monday, January 6, 2003, were before the body.

Mr. Bestpitch moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

EASEMENTS-LICENSES-SPECIAL PERMITS: A communication from the City Manager requesting that Council schedule a public hearing for Monday, March 17, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposed encroachment into public right-of-way at 3308 Franklin Road, S. W., was before the body.

Mr. Bestpitch moved that Council concur in the request of the City Manager to hold a public hearing on Monday, March 17, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposed encroachment into public right-of-way at 3308 Franklin Road, S. W. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

AUDITS/FINANCIAL REPORTS-BUSES: Minutes of the meeting of the Greater Roanoke Transit Company Audit Committee held on Monday, February 3, 2003, were before the body.

Mr. Bestpitch moved that the minutes be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

AUDITS/FINANCIAL REPORTS-MUNICIPAL AUDITOR: Minutes of the meeting of the Audit Committee held on Monday, February 3, 2003, were before Council.

The following items were discussed:

City of Roanoke Letter of Recommendations on Procedures and Controls

City of Roanoke Report to the Audit Committee

City of Roanoke Pension Plan Letter to the Pension Committee

City of Roanoke Report of Agreed-Upon Procedures for Enhanced E-911 Service Taxes

City of Roanoke Independent Accountant's Report on Applying Agreed-Upon Procedures

Cellular Telephones

Mr. Bestpitch moved that the minutes of the Audit Committee be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

CITY ATTORNEY-CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the City Attorney to convene in a Closed Meeting to discuss disposition of publicly-owned property, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

CITY ATTORNEY-CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a specific legal matter requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the City Attorney to convene in a Closed Meeting to consult with legal counsel on a specific legal matter requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

LANDMARKS/HISTORIC PRESERVATION: Alison S. Blanton, President, Roanoke Valley Preservation Foundation, appeared before Council in support of preservation of the Fairacres property located at 2713 Avenham Avenue, S. W. She advised that the Roanoke Valley Preservation Foundation was founded in 1988 as a valley-wide, non-profit organization for the purpose of promoting the preservation

of the historic natural and cultural resources of the Roanoke Valley; and its goals are to promote an awareness of the Roanoke Valley's resources, encourage resource protection, provide technical assistance, and develop broad based community support. She explained that annually a list of endangered sites is developed to promote awareness and recognition of resources in the Roanoke region that are threatened; in addition to publicizing the list, the Preservation Foundation works with property owners to inform them of the various available preservation tools, and the Fairacres property was included on the 2002 endangered sites list. She stated that annually, the Preservation Foundation announces preservation awards as a part of National Preservation Week, in order to recognize those properties listed as endangered with preservation awards; and past examples of this type of success in Roanoke have included the Shenandoah Hotel, Norfolk and Western GOB North and South, the passenger rail station, the Jefferson Center, and Grandin Theater, all of which have contributed greatly to the successful development of Roanoke by encouraging economic development and tourism and contributing to the quality of life and sense of community that make Roanoke such an attractive place to live and work.

Ms. Blanton advised that Fairacres is a unique property in the City of Roanoke; the mansion, with its 2.5 landscaped acres, was built in 1912 by William C. Stephenson, a prominent businessman closely involved in the early development of Roanoke; despite conditions and circumstances of today, the property could never be replaced, and it is important because it tells some of the story of the history of Roanoke. She stated that Fairacres has currently been determined eligible for listing on the Virginia Landmarks and the National Register of Historic Places, and the goal of the Preservation Foundation is to preserve the integrity of the property, and to maintain its historic eligibility, because it is important to have national register properties in the Roanoke Valley; and the Preservation Foundation wishes to work with local governments, communities and property owners to preserve properties that are important to Roanoke's heritage by providing information that makes preservation a viable alternative. She stated that the organization looks forward to working with the Roanoke Council of Garden Clubs and any potential property owner to promote the preservation of Fairacres. She called attention to a number of preservation tools that have been provided to the Council of Garden Clubs and also to potential buyers, and the Preservation Foundation stands ready to act as a resource in the preservation of Fairacres.

On behalf of the Roanoke Valley Preservation Foundation, Ms. Blanton requested that Council recognize Fairacres as a significant property in the City of Roanoke which is worthy of preservation.

Ms. Barbara N. Duerk, 2607 Rosalind Avenue, S. W., immediate past President of Neighbors in South Roanoke, advised that the South Roanoke Neighborhood Plan was completed in 1988 and Neighbors in South Roanoke identified the following guidelines to help with future neighborhood development: community values, the unique neighborhood character and quality of life in the area should be maintained and protected, the historic and architectural history of the neighborhood are important features that should be acknowledged and protected, gateway entrances, new development and construction in the neighborhood should be compatible in design and scale with the existing residential and commercial community, the environmental character of the surrounding area and the neighborhood should be protected, enhanced and maintained through good land planning and design, and zoning should better reflect the existing use of land. She stated that the properties surrounding Fairacres are used as RS-1, Single Family Residential District; and the South Roanoke Plan specifically refers to the importance of historic and architectural resources, therefore, Fairacres should be protected.

Ms. Vickie Tomlinson, 25 Claybrook Court, Blue Ridge, Virginia, a new resident to the Roanoke Valley, called attention to the historic beauty of the Fairacres property. Having lived in the Annapolis, Maryland, and Miami, Florida, areas for many years, she referred to the benefits of historic preservation to the community. She alluded to the beauty of the Fairacres property, with its raised panel wainscoting in the dining area, open beam ceilings, the beautiful entryway and balustrades, and raised panel solid oak sliding pocket doors, all of which add to the beauty and craftsmanship that is a part of the American heritage. She commended the Council on its efforts to preserve the downtown area and asked that the historic integrity of Fairacres also be protected and preserved.

George Kegley, representing the Roanoke Valley Preservation Foundation, advised that the Preservation Foundation is not opposed to developing that portion of Fairacres on the Longview Avenue side, however, he proposed that the integrity of the building and the viewscape be protected on the Avenham Avenue side.

Mr. Cutler offered the following resolution:

“A resolution recognizing the architectural and historic significance of the Fairacres property.”

Mr. Cutler moved the adoption of the resolution. The motion was seconded by Mr. Bestpitch.

Mr. Bestpitch advised that he was contacted by the President of the Roanoke Council of Garden Clubs, Inc., which owns Fairacres and the surrounding property, who expressed a concern that the Council of Garden Clubs was unaware that the item was on the Council's agenda until shortly before the Council meeting. He called attention to a communication from Charles H. Osterhoudt, Attorney, representing the Roanoke Council of Garden Clubs, requesting that action on the matter be delayed in order for the Council of Garden Clubs to address the issue; whereupon, Mr. Bestpitch requested that action on the request of the Roanoke Valley Preservation Foundation be deferred until the next regular meeting of Council on Monday, March 3, 2003, at 2:00 p.m.

The Mayor advised that without objection by the Council, the matter will be tabled until the regular meeting of Council on Monday, March 3, 2003, at 2:00 p.m.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

CITY EMPLOYEES-AFFIRMATIVE ACTION: The City Manager submitted a communication advising that as one of the largest public employers in the Roanoke Valley, it is important for the City of Roanoke to encourage participation in all employment processes among the diverse population that it serves; with this goal in mind, the City is focusing on two diversity related initiatives; i.e.: increasing the diversity of its workforce, and developing the knowledge and skill base needed for success in a diverse work environment; and Roanoke's success in accomplishing these initiatives will make it a better organization and ultimately help the City to reach the strategic goals set by Council.

It was further advised that efforts at increasing workforce diversity are based on a broad and focused recruitment program; the City continues to forge relationships and to develop partnerships between City staff, EEO/civil rights organizations, colleges and universities, sororities, fraternities and other groups interested in diversity, and progress has been made in this area.

The City Manager stated that clearly, the City is making headway in the area of increasing diversity capacity, but it needs to take the next step, changing diversity capacity from a training or a career development program offered by Human

Resources into “diversity: the way that we do business;” in a practical sense, the City plans to change ownership of diversity from Human Resources to an internal Leadership Diversity Advisory Group, and taking this next step is the way to make diversity a part of the City’s organizational culture, which effort has already begun.

It was further stated that the City’s Leadership Team has embraced a new leadership philosophy that specifically incorporates the concept of diversity; the Leadership Team will also have responsibility for evaluating responses related to diversity on the employee survey conducted by Virginia Tech during the latter part of February; and using survey data as a starting point, the group will work to understand individual and departmental impediments related to diversity, and advise training staff, Human Resources and the City Manager concerning diversity programs and policies.

It was noted that in order to improve the City’s ability to recruit more women and people of color, particularly in public safety positions, the City will continue to refine its efforts to attract more women and minorities; and using ideas from an advertising company, coupled with strategies to recruit at different venues, the City intends to attract more women and people of color to City employment opportunities.

The City Manager advised that a sound diversity strategy has been devised and the City is headed in the right direction, particularly in the area of increasing diversity capacity; the City has not been as successful as hoped in regard to hiring more people of color, yet the City’s hiring slowdown and a general attitude of “hunkering down” among potential candidates exists in the hiring marketplace today; and the City must continue in every way possible to attract a diverse pool of candidates for City positions.

Mr. Ray Douglas, 3316 Kershaw Road, N. W., spoke on behalf of Brenda Hale, President of the Roanoke Chapter, NAACP, who could not be present for the meeting. He read a communication from Ms. Hale expressing appreciation to the City Manager for the positive initiatives that have led to making the Roanoke City workforce more diverse. He advised that the past three years, under the direct leadership of Roanoke’s City Manager, show that all City departments now employ persons of color. He also expressed appreciation to the Roanoke City Department of Human Resources, along with the Roanoke Chapter of the NAACP, which jointly sponsored the second annual job fair in May, 2002; and advised that recruitment efforts continue to be made at community colleges. On behalf of Ms. Hale, he called attention to other efforts by the Roanoke Chapter of the NAACP which include seeking partnerships with NAACP branches in other areas; and advised that it is

exciting that the Employment Development Program which was implemented in 2001 has provided City employees with the opportunity to advance within the organization; and the day long diversity program continues to be held and has received 100 per cent participation. He called attention to major concerns in regard to the inability to raise the number of minorities in public safety positions, with the Police and Fire Departments still grossly under represented. On behalf of Ms. Hale, he commended the City's ongoing initiatives that are bringing about positive changes and the continued level of commitment related to a higher level of diversity.

Ms. Barbara N. Duerk, 2607 Rosalind Avenue, S. W., applauded Council's directive to the City Manager to broaden the diversity found in Roanoke City departments. She asked that Council also make an effort to include diversity in its appointments to authorities, boards, commissions, and committees because Roanoke's economy is national and international and City boards and commissions should reflect wide based representation by Roanoke's citizens.

Ms. Wyatt expressed concern in regard to the role of women within the City government organization, particularly in the area of protective services. She called attention to the following percentages: Sheriff's Department – 22.2 per cent female, Police Department – 27 per cent female, and Fire Department – 5.74 per cent female, and noted that there is work that needs to be done in those areas.

Vice-Mayor Harris commended the City's progress in connection with providing a diverse workforce, and expressed appreciation to the Roanoke Chapter, NAACP, for its partnership and cooperation with the City of Roanoke.

Mr. Bestpitch advised that while he appreciates the work of the City Manager and the City administration, it is recognized that there are continued challenges to be addressed. He called attention to a process for nominating and receiving information on persons who are interested in serving on various City Council appointed boards and commissions which is administered by the City Clerk on behalf of the Council. He referred to numerous other localities that do not offer this opportunity for their citizens, and advised that the City of Roanoke has an open process of encouraging persons who are interested in volunteering their service to complete nomination forms that are reviewed by Council prior to filling vacancies.

Without objection by Council, the Mayor advised that the City Manager's communication would be received and filed.

FEE COMPENDIUM-OUTDOOR DINING: The City Manager submitted a communication advising that on April 1, 2002, Council adopted Ordinance No. 35792-040102 which provided for an outdoor dining permit program and amended the Fee

Compendium; fees per square foot of area approved for outdoor dining were as follows: \$6.50 per square foot for 2002; \$7.00 per square foot for 2003; and \$8.00 per square foot for 2004; concerns regarding the fee structure limited applicants' interest in applying for an outdoor dining permit and were addressed when Council reduced the fees to \$3.25 per square foot in Ordinance No. 35943-061702 adopted on June 17, 2002; and in an effort to again provide an incentive for restaurants to apply for outdoor dining permits, a reduction in fees for calendar year 2003 is recommended.

The City Manager recommended that Council amend the Fee Compendium to reduce the original fee of \$7.00 per square foot to \$3.25 per square foot for calendar year 2003, with a minimum three-month commitment from the applicant, and with the permit fee for calendar year 2004 to be reconsidered and established by Council at a later date as deemed appropriate.

Mr. Carder offered the following ordinance:

(#36237-021803) AN ORDINANCE directing amendment of the Fee Compendium to establish the fee for outdoor dining permits for calendar year 2003; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 125.)

Mr. Carder moved the adoption of Ordinance No. 36237-021803. The motion was seconded by Mr. Bestpitch.

Question was raised as to the response to outdoor dining during the first year of operation; whereupon, the City Manager advised that one restaurant experienced a successful year. She called attention to ongoing discussions with representatives of four additional restaurants who have expressed an interest in participating this year, although identification of a location to store outdoor dining equipment continues to be a problem.

Ordinance No. 36237-021803 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

TRAFFIC-BUDGET-STATE HIGHWAYS: The City Manager submitted a communication advising that over the past two years, representatives from both the City of Roanoke and the Virginia Department of Transportation (VDOT) have met to evaluate how to best provide access to the planned Riverside Centre for Research and Technology (RCRT), which includes the Carilion Bio-Medical Institute; and Roanoke's proposed solution to providing this access was an off-ramp from southbound US 220 that intersected at Jefferson Street and Reserve Avenue, with a corresponding northbound on-ramp from that point to US 220.

It was further advised that in the summer of 2002, VDOT shared with the City of Roanoke its analysis of how these ramps would relate to the proposed I-73 interchange at I-581/US220; VDOT's analysis concluded that Roanoke's access plan could not be recommended for construction based upon problems with interchange spacing, cost, and phasing; consequently, VDOT developed other alternatives, such as a smaller more direct connection to US 220 from Franklin Road, which was recently shared with Council; and VDOT is also now evaluating the potential modification of the existing Wonju Street interchange to enhance access to RCRT.

It was explained that a Member of Council suggested that staff revisit issues involving the interchange at Elm Avenue and its connection with Williamson Road and Jefferson Street to serve as a primary access to RCRT; an evaluation of this interchange should include identification of the likely interchange design that will be needed in the long range future and consider potential interim modifications that might improve interchange operations to meet current needs of the area; and to this end, staff is preparing to issue requests for proposals from firms that could adequately review the issues and offer guidance.

The City Manager recommended that Council appropriate \$100,000.00 from the Streets & Bridges Capital Improvement Reserve, Account No. 008-052-9575-9181, to a new account to be entitled, Elm Avenue and I-581 Interchange Study.

Mr. Carder offered the following budget ordinance:

(#36238-021803) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 126.)

Mr. Carder moved the adoption of Ordinance No. 36238-021803. The motion was seconded by Mr. Harris.

Ms. Wyatt expressed concern with regard to the intersection of I-581 and Elm Avenue which is one of the most traffic congested intersections in the City of Roanoke, and encouraged the City Manager to include the intersection as a part of the proposed study.

Mr. Bestpitch requested clarification with regard to the routing of I-73 and advised that Council has taken a firm position expressing concern about the Commonwealth Transportation Board's decision to route I-73 through southeast Roanoke; whereupon, the City Manager advised that nothing is being proposed that will alter the position of Council relative to the routing of I-73. She explained that staff is attempting to bring to a head the issue of improvements to the Elm Avenue Interchange, which may be stalled forever unless the City takes the initiative, because it is believed that the traditional design that might come forth by VDOT for the interchange may not be in the best interest of the City. Therefore, she advised that additional design work is requested that the City can take to VDOT as a suggested alternative for development of the Elm Avenue Interchange. She stated that this will be the first step, and once the design is completed and approved by Council, it will be necessary to lobby VDOT to take action.

Mr. Cutler concurred in the remarks of Mr. Bestpitch in respect to not wanting it to appear that the City has changed its position of opposition to the routing I-73 through southeast Roanoke. He inquired if the request for proposals to review the Elm Avenue/I-581 Interchange will also relate to the access to the Riverside Bio Medical Centre. The City Manager responded that the City will continue to review alternatives for access to the Centre; when the Bio Med Centre was first envisioned, it was the desire of the Bio Med Institute and Carilion for certain improvements to the Elm Avenue Interchange, however, since that concept appears to be tied up indefinitely in the I-73 issue, there is a need to identify an alternative access point, and to this end the City has engaged in discussions with VDOT, the latest of which is the suggestion by VDOT that improvements to the Wonju exit would be preferable to a new ramp leading to the Bio Med site. She noted that one member of Council has suggested that Williamson Road might be improved as an access point and also allow for additional development of the area, all of which will be taken into consideration as staff reviews alternatives.

Mr. Carder called attention to previous discussions with certain principals of the Bio Medical Centre who initially hoped that Williamson Road/Elm Avenue could serve as the entrance to the Bio Medical Centre, and mainly because emphasis was on redevelopment of the Williamson Road/South Jefferson corridor. He cautioned that the City should be careful as to where it locates the entrance, because it then

becomes necessary to look at development patterns when traffic is routed off of Elm Avenue to another entrance. He stated that it is important to note that a large part of the Riverside Centre is the redevelopment of certain areas of the City and traffic helps to stimulate that type of redevelopment.

In a further discussion of the matter, the City Manager advised that City staff is not fully convinced that routing traffic off at the Wonju interchange is the best solution, particularly if Elm Avenue could be improved, which is the most logical location for improvements. She stated that while the focus of the study is on Elm Avenue and the ramps that cut up to and off of Elm Avenue, staff will look at traffic to be generated by the Riverside Centre and the VDOT option of the Wonju interchange, which is in principle and has not been financed. She added that it is believed that unless the City intervenes through a study of the Elm Avenue Interchange, the City will be left with a solution that will not address Elm Avenue at any time within the next decade, and staff believes that there is a solution for the Elm Avenue Interchange that could be developed and put in place before I-73 is constructed.

Ordinance No. 36238-021803 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

BUDGET-SNOW REMOVAL: The City Manager submitted a communication advising that agencies responsible for snow removal operations are experiencing a heavier demand on snow removal resources than in previous years; the Virginia Department of Transportation (VDOT) recently announced that it had already spent \$42 of its \$48 million budgeted for snow removal at the end of January 2003; and VDOT is taking steps to redirect additional funds to support snow removal operations.

It was further advised that likewise, the City's budgeted amount of \$208,328.00 has been effectively depleted and salt supplies have been reduced as well; the City's 6,000 ton salt storage has been reduced to 1,000 tons (moderate storms can require up to 1,000 tons of salt); a shipment of an additional 900 tons of salt should be received later this week, but additional funding is needed to replenish the salt supply

and to fund other snow removal expenses; funding will allow additional salt to be ordered to create a salt stockpile capable of fighting two - three moderate storms and will establish sufficient funding to replenish supplies if the current trend of winter weather continues; and total funding for chemicals would allow for the purchase of up to 2,470 tons of salt based on a purchase price of \$60 per ton.

The City Manager recommended that Council transfer \$250,000.00 from Account Nos. 001-530-4110-1002 (\$85,000.00), 001-530-4160-1002 (\$50,000.00) and 001-300-9410-2199 (\$115,000.00), to Snow Removal Account No. 001-530-4140, as follows:

1003 Overtime Wages	\$ 59,818.00
1120 FICA	\$ 4,576.00
2010 Fees for Professional Services	\$ 14,500.00
2035 Expendable Equipment	\$ 15,000.00
2038 Motor Fuels & Lubricants	\$ 7,808.00
2045 Chemicals	\$148,298.00

Mr. Harris offered the following budget ordinance:

(#36239-021803) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 127.)

Mr. Harris moved the adoption of Ordinance No. 36239-021803. The motion was seconded by Mr. Carder.

The City Manager commended City employees on snow/ice removal efforts, many of whom have worked since Saturday, February 15 at 3:00 p.m., on 12 hour shifts, in order to clear the City's streets as a result of the snow/ice event that occurred on Saturday and Sunday, February 15 - 16, 2003. She advised that all of the City's arterial routes and Valley Metro routes have been plowed and as of 11:30 a.m., this morning, 95 per cent of all of the school bus routes were plowed, although 40 per cent still contained a certain amount of snow and ice, and approximately 70 per cent of the residential streets still have a covering of snow and ice, even though 90 per cent of the streets have been plowed and treated. She stated that the City has in excess of 700 tons of salt remaining which can accommodate a moderate storm.

Ordinance No. 36239-021803 was adopted by the following vote:

**AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler
and Mayor Smith-----6.**

NAYS: None-----0.

(Council Member Dowe was absent.)

BUDGET-FDETC: The City Manager submitted a communication advising that the City of Roanoke is the grant recipient and fiscal agent for the Fifth District Employment and Training Consortium (FDETC), which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, as well as the Cities of Covington, Roanoke, and Salem; Council must appropriate funding for all grants and other monies received by the FDETC; the FDETC has received notice of an award of Governor's Discretionary 15 per cent funds of \$82,072.00 from the Virginia Department of Social Services, which funds are to be used to provide services to clients enrolled in the Welfare to Work Program; and funds are to be used for program costs only and are available through June 30, 2004.

It was further advised that Program Operations - Existing activities such as job placement assistance, support services (child care, transportation) and occupational skills training will continue, and planned programs such as continuing existing services and enrolling new clients will be implemented; residents of surrounding areas will be targeted with the funds; funds are available from the Grantor agency and other sources as indicated, at no additional cost to the City; and immediate action will allow activities to be implemented and completed within the planned time frames of January 1, 2003 through June 30, 2004.

The City Manager recommended that Council appropriate FDETC funding totaling \$82,072.00, and increase the revenue estimate by \$82,072.00 in accounts to be established in the Consortium Fund by the Director of Finance.

Mr. Bestpitch offered the following budget ordinance:

(#36240-021803) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Fifth District Employment and Training Consortium Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 128.)

Mr. Bestpitch moved the adoption of Ordinance No. 36240-021803. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

BUDGET-HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that the plight of homeless individuals and families has been at the forefront of the community's attention for more than a decade, and the number of homeless persons relying on local services has increased; currently, the Homeless Assistance Team (HAT) provides outreach and limited case management services to the homeless; and the 2002 Winter survey conducted by the Roanoke Valley Task Force on Homelessness identified 327 homeless individuals residing in shelters, or on the streets of Roanoke.

It was further advised that based on Roanoke's 2002 Continuum of Care application, the Roanoke Homeless Assistance Team Renewal was funded for a total of \$413,006.00 for a three-year period beginning February 1, 2003.

The City Manager recommended the following:

Authorize the City Manager to accept the Roanoke Homeless Assistance Team Renewal Grant Award in the amount of \$413,006.00 from the U. S. Department of Housing and Urban Development and execute the required grant documents on behalf of the City.

Authorize the City Manager to execute documents associated with implementation of the grant renewal.

Appropriate \$413,006.00 Supportive Housing Funds, with a corresponding revenue estimate in an account to be established by the Director of Finance in the Grant Fund.

Mr. Carder offered the following budget ordinance:

(#36241-021803) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 129.)

Mr. Carder moved the adoption of Ordinance No. 36241-021803. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Mr. Harris offered the following resolution:

(#36242-021803) A RESOLUTION authorizing the acceptance of the Roanoke Homeless Assistance Team Renewal Grant Award from the United States Department of Housing and Urban Development to provide outreach and limited case management services to the homeless; and authorizing the execution of the necessary documents.

(For full text of Resolution, see Resolution Book No. 67, page 131.)

Mr. Harris moved the adoption of Resolution No. 36242-021803. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

REPORTS OF COMMITTEES:

ANNUAL REPORTS-COMMUNITY PLANNING: A report of the City Planning Commission transmitting its 2002 Annual Report, was before Council.

The Mayor advised that without objection by Council, the report would be received and filed.

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting appropriation of funds for the following school accounts, was before Council.

\$15,669.00 for the Refugee School Impact Grant to provide services for 146 refugee students in the Schools by supplementing regular classroom instructional materials, translating important school documents, providing interpreter services, providing after-school tutorial sessions, and providing additional staff development opportunities for ELL and core content teachers. This continuing grant program is 100 per cent reimbursed by Federal funds.

\$42,757.00 from the Capital Maintenance and Equipment Replacement Funds for replacement of musical instruments, administrative technology equipment, facility maintenance and custodial equipment, and handicap access modifications at William Fleming High School.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Mr. Carder offered the following budget ordinance:

(#36243-021803) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 132.)

Mr. Carder moved the adoption of Ordinance No. 36243-021803. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

UNFINISHED BUSINESS:

BUDGET-BRIDGES-CMERP: The Mayor advised that at the Council's work session on Monday, February 3, 2003, it was the consensus of Council to place an item on the February 18, 2003, City Council agenda with regard to voting on the issue of pedestrian and/or vehicular access to the First Street Bridge; whereupon, the matter was before the body.

Mr. Carder moved that the First Street Bridge be completed as soon as possible for vehicular one-way traffic and a pedestrian bridge, and that the City Manager be directed to identify a source of funds, including possible use of Capital Maintenance and Equipment Replacement funds and Transportation Enhancement funds. The motion was seconded by Mr. Bestpitch.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., referred to previous architectural renderings calling for a pedestrian walkway for the First Street Bridge, at a cost estimate of \$800,000.00, and inquired if there is a problem with traffic coming into the downtown area. He stated that an expenditure of \$2.2 million was quoted by The Roanoke Times for bridge renovations, which is an expenditure that will be of concern to many citizens in view of the City's current budget situation. He advised that the greater question is, why does the City need to spend \$2.2 million on the bridge at this time, does the City have a traffic problem and, if not, is this action being taken to construct a \$2.2 million memorial to Dr. Martin Luther King, Jr. He stated that no funds should be spent on the First Street Bridge at this time, the bridge is a one of a kind left-over historic landmark, which represents a wonderful relic from Roanoke's past, the bridge is currently for pedestrian purposes and should continue to be used by pedestrians only.

Dr. Gerald Roller, 1135 Clearfield Road, S. W., addressed Council as a member of the Medical History Foundation, Inc., which is attempting to develop a medical history that would incorporate the history of the black medical community, beginning with the early or late 1800's and would include part of the area of Henry Street, including the Claytor Clinic and Burrell Hospital, etc. He explained that the goal of the organization is to complete its work by the 100th anniversary of the City of Roanoke, which is several years away and will include not only Roanoke's medical history, but also the developing osteopathic school at Virginia Tech and the public health service. He advised that the Henry Street Bridge ties the Henry Street area to downtown Roanoke, and it is not clear as to whether there needs to be another access for vehicular traffic to downtown; whereupon, he proposed that the matter be tabled pending further study and a status report by the Medical History Foundation, Inc.

The Reverend Edward Mitchell, 1570 16th Street, N. W., representing the Southern Christian Leadership Conference (SCLC), spoke in support of naming the First Street Bridge in memory of the late Dr. Martin Luther King, Jr. He stated that the SCLC supports one-way vehicular traffic on the First Street Bridge from Henry Street to downtown Roanoke, particularly when taking into consideration such venues as the Roanoke Higher Education Center and the Dumas Center for Artistic Development, etc.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that those organizations involved in the Gainsboro Neighborhood Plan are of one accord in recommending that the First Street Bridge should remain a pedestrian bridge. From a personal perspective, she advised that vehicular traffic should not be allowed on the First Street Bridge; a large sum of money was spent by the City on the construction and realignment of Gainsboro Road and construction of the new Gainsboro Bridge, both of which were built at a detriment to the Gainsboro community; and currently there are adequate vehicular channels into the Gainsboro neighborhood; i.e.: Williamson Road, Fifth Street, and Gainsboro Bridge. She called attention to comments regarding the routing of traffic into downtown Roanoke; however, if the First Street Bridge brings vehicular traffic into downtown, it could also bring the same traffic into the Gainsboro neighborhood; therefore, residents are opposed to vehicular traffic in any direction on the First Street Bridge. She suggested that those funds proposed to be spent on the First Street Bridge could be more effectively used for improvements for housing throughout the City. She called attention to funds already expended by the City on the Gainsboro Bridge to provide for a loop into downtown which has proven to be an effective routing of vehicular traffic; therefore, there is no need for one-way traffic on the First Street Bridge. She implored the Council to be good stewards of the taxpayers' money, and to engage in those projects that will prove to the citizens of Roanoke that the City is interested in its citizens rather than vehicles.

Mr. Carder advised of the need to breathe life back into the Henry Street area. He stated that Wells Avenue improvements and Second Street Bridge improvements have created a huge cul-de-sac that is almost impossible to develop on its own, and by routing traffic through the area, there is an increased perception of a secure environment. He called attention to discussion with representatives of the Dumas Artistic Center, the Harrison Museum of African-American Culture, and the Roanoke Higher Education Center, all of whom understand the need to redevelop the area, privately and with incentives, and he emphasized the need to provide as much accessibility as possible to help with redevelopment of the area.

Ms. Wyatt advised that the vision was to have a railside linear walk that would link the City Market area to the Transportation Museum, with the linear walk providing a way to access pedestrians to the Henry Street area, which would serve as a kind of historical walking tour of the City, including a history museum, the Harrison Museum of African-American Culture and the Transportation Museum, and it will not be conducive to a walking tour environment if vehicular traffic is allowed. She stated that residents, neighborhood organizations and area neighborhoods in general were not consulted about their wishes for the Henry Street area. She added that an expenditure of \$2.2 million, as opposed to \$800,000.00, at a time when the City is sorely pressed for money is not good stewardship of the taxpayers' money.

Mr. Bestpitch advised that in looking at the number of dollars that could be spent, \$800,000.00 versus \$2.2 million, cost efficiency takes into consideration the amount of money spent relative to the number of people who will benefit by the expenditure. He stated that if the additional money is spent to allow one way vehicular access on the First Street Bridge, cost efficiency will be much greater because there will be a higher number of people driving rather than walking across the bridge. He added that he has heard no one describe how Warehouse Row, Grand Piano, the Dumas Center for Artistic Development, the Harrison Museum, the Roanoke Higher Education Center, or RNDC Crew Suites development will benefit by having the First Street Bridge pedestrian only, and, in fact, the case has been made that development is lagging in the area because the bridge is pedestrian only at this time. He called attention to ways to place more emphasis on people rather than on automobiles through the development of a shuttle service, and providing a loop to the downtown area that would allow people to park in one location and access public transportation in order to move from point to point around, in and out of the downtown area. He stated that one of the major benefits of making the vehicular access from the north side into downtown Roanoke across the First Street Bridge is to route a shuttle bus past the Gainsboro Parking Garage, which is one of the points that the City has available for this type of parking. For those reasons, he advised that he intends to support the motion which will help to improve development in the area without providing any major problems for those persons who prefer to walk.

Vice-Mayor Harris advised that there are compelling reasons on both sides for pedestrian only versus pedestrian/limited vehicular. He stated that his initial inclination was to vote for pedestrian only; however, since the last Council meeting, he was visited by representatives of the Dumas Center, the Harrison Museum, and the Higher Education Center who spoke to the benefits of limited vehicular access on the bridge by virtue of the desire to enhance mobility, accessibility, safety, security, etc., around the various facilities. He noted that the Council and the

community as a whole has made a significant investment in the viability of these enterprises that will have to live day in and day out with the decisions made by the Council. He stated that one way vehicular traffic leaves open the opportunity for the City to close the bridge to vehicular traffic at any time for festivals and special events, etc. He noted that the bridge was constructed in 1890 and the City Engineer reported at the last Council meeting that the bridge is not safe for any significant bearing of load, it is a historic structure and the visual integrity of the bridge will be protected as an architectural feature of the downtown. He advised that he was not in favor of tabling the matter for future discussion and/or study because the First Street Bridge represents a glaring piece of unfinished business in Roanoke's downtown area, and he intended to support the motion.

Mr. Cutler advised that for a long time he has believed that the Gainsboro area and the Henry Street area should be considered as a part of downtown Roanoke, and, in recent years, access across the railroad tracks from one side to the other has been reduced by the closure of Jefferson Street to vehicular traffic and the closure of the tunnel; therefore, access across the railroad tracks should be increased and improved. He stated that making the First Street Bridge both a one-way vehicular bridge and a pedestrian bridge would contribute to improved access to the rapidly developing Henry Street area. He further stated that he supports the motion to provide one lane of vehicular traffic and one lane of pedestrian traffic on the First Street Bridge, and an official greenway trail should be routed over the bridge as a part of the Lick Run Greenway, as should a shuttle bus route to bring commuters from the Gainsboro Parking Garage to the downtown area. He also stated that he would support the naming of the First Street Bridge and associated parking lands as a memorial to the late Dr. Martin Luther King, Jr., and it should be left to the discretion of the Roanoke Arts Commission to recommend how best to incorporate an architectural way, educational plaques, or a statuary to best accomplish this important goal.

The Mayor advised that when the First Street Bridge was closed to vehicular traffic, he was a daily user of the bridge, but he quickly adjusted to the new traffic pattern and discovered that it was just as easy to use Williamson Road or the Second Street Bridge in his travels around the City. He stated that the First Street Bridge is a narrow bridge that would be handicapped by vehicular traffic; it is the only bridge of any significance remaining in the City from the 19th century and to improve the bridge for pedestrian use only would not detract from the 1890's bridge architecture, and beams could be added to the under side which would allow the bridge to still resemble a 19th century bridge, while accommodating walking and festival traffic. He expressed concern that the bridge will lose its character of a 19th

century bridge if improvements are made to allow for a vehicular bridge; and the funds could be used on other City needs. For those reasons, he stated that he intends to vote against the motion.

There being no further discussion, the motion was adopted by the following vote:

AYES: Council Members Harris, Bestpitch, Carder and Cutler-----4.

NAYS: Council Member Wyatt and Mayor Smith-----2.

(Council Member Dowe was absent.)

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

TRAFFIC-BUDGET-TRANSPORTATION SAFETY: Ordinance No. 36232, on second reading, amending and reordaining certain sections of the 2002-03 Capital Projects Fund Appropriations, transferring \$236,870.00 in connection with traffic calming initiatives, having previously been before the Council for its first reading on Monday, February 3, 2003, read and adopted on its first reading and laid over, was again before the body, Mr. Harris offering the following for its second reading and final adoption:

(#36232-021803) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations.

(For full text of Ordinance, see Ordinance Book No. 67, page 124.)

Mr. Harris moved the adoption of Ordinance No. 36232-021803. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

BRIDGES-ACTS OF ACKNOWLEDGEMENT: Mr. Carder moved that the newly renovated First Street Bridge be named in memory of the late Dr. Martin Luther King, Jr., and that the City work with the Southern Christian Leadership Conference (SCLC) with regard to design elements. The motion was seconded by Mr. Cutler.

It was the consensus of Council that since the matter was not listed on the printed agenda, citizens should have the opportunity to address the motion.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that naming the First Street Bridge in memory of Dr. King is an insult to the City, to the citizens of Roanoke, and represents the easy way out. She stated that the time is always right to do the right thing; the motion should be tabled until a later date when all Members of the Council are present and citizens should have been advised prior to the Council meeting that the matter was to be discussed. She advised that if the motion is adopted, Council will be ignoring the democratic process.

Ms. Barbara N. Duerk, 2607 Rosalind Avenue, S. W., Co-Chair of the Dr. Martin Luther King, Jr. Memorial Committee which was previously appointed by the City Manager, advised that the committee was not afforded the opportunity to formally present its report and recommendations to the Council. She stated that a portion of the committee's recommendations were a freedom walk and a justice square that should be incorporated into plans to connect Lick Run in an effort to break down barriers and to build bridges between the community. She encouraged Council to support the motion which is a small token that will further the effort to involve citizens in making Roanoke an inclusive community.

The Reverend Edward Mitchell, 1570 16th Street, N. W., advised that on numerous occasions, Council has been requested to honor Dr. King's memory, and each time the suggestion was either not good enough, or someone was not satisfied; therefore, he requested that the City of Roanoke act now to honor Dr. King. When looking at the First Street Bridge, he referred to a history of African-Americans who walked across the bridge to access stores in the downtown area and to reach water fountains that said "White" on one side and "Black" on the other side, but African-Americans walked across the First Street Bridge to address those issues until they were resolved. Therefore, he stated that there is no better place to name

in Dr. King's honor when talking about bridging the gap, which is what Dr. King stood for. He stated that the Southern Christian Leadership Conference (SCLC) is supportive of the motion which is a start to honor Dr. King in an appropriate way, because Henry Street is a part of the black community and a part of downtown Roanoke.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., advised that the reason the City of Roanoke does not have a memorial to Dr. King today is because the Dr. Martin Luther King, Jr. Memorial Committee recommended the naming of Elmwood Park in memory of Dr. King which was the most inappropriate recommendation that any committee could have made. He stated that he is not opposed to renaming the First Street Bridge in memory of Dr. King, which is an appropriate and reasonable way to honor this great Civil Rights leader, but the First Street Bridge alone is an issue within itself. He inquired if the City plans to spend over \$2 million to make the First Street Bridge a one-way vehicular bridge in order to put the King issue to rest; and, if that is the case, he suggested establishment of a \$1 million scholarship in Dr. King's name that will be used to benefit the education of impoverished children.

No other persons wishing to be heard and there being no further discussion by the Council, the motion was adopted.

CITY PROPERTY: Mr. Bestpitch advised that at its meeting on Tuesday, January 21, 2003, Council tabled an ordinance with regard to disposition of property located at the intersections of Gainsboro and Gilmer Road and Gainsboro and Harrison Avenue; whereupon, he moved that the ordinance be removed from the table. The motion was seconded by Mr. Carder and adopted.

Mr. Bestpitch further advised that in a closed meeting, he requested that Official Tax No. 2011718 contain a restriction that no grading will be permitted on the parcel of land which is a steep bank along the edge of Gainsboro Road; however, his request was not included in the original ordinance that was before the Council at its public hearing on Tuesday, January 21, 2003; whereupon, he offered the following revised ordinance:

(#36244-021803) AN ORDINANCE authorizing the City Manager to execute agreements, deeds and any related and necessary documents providing for the conveyance of City-owned property located at the intersections of Gainsboro and

Gilmer Road and at Gainsboro and Harrison Road, and being identified as Official Tax Nos. 2011718, 2021788 and 2021789, to adjacent and nearby property owners, upon certain terms and conditions, and dispensing with the second reading of this ordinance.

(For full text of ordinance, see Ordinance Book No. 67, page 134.)

Mr. Bestpitch moved the adoption of Ordinance No. 36244-021803. The motion was seconded Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

COMPLAINTS-ROANOKE CIVIC CENTER-LICENSES: Ms. Karen Graybill, 4617 Casper Drive, N. E., appeared before Council in connection with the City's expanded application to sell alcoholic beverages at any event at the Roanoke Civic Center. She stated that the Salem Civic Center has been issued a license to sell alcoholic beverages, but chooses not to sell alcohol at concerts. She added that it has been stated that the reason certain groups do not come to the Roanoke Civic Center is because alcohol is not permitted to be sold; however, she contended that they do not perform at the Roanoke Civic Center because of seating accommodations; it should be noted that the Roanoke Civic Center currently has sold-out events without selling alcohol; and as a parent, she does not want her children to be exposed to events where alcohol is sold. She advised that the Roanoke Civic Center is a smoke-free facility and if civic center patrons can attend an event where tobacco is prohibited, they should be able to attend an event where alcohol is not allowed.

Mr. Levi Dent, 119 Noble Avenue, N. E., Pastor, Another Chance Ministries, spoke on behalf of Concerned Christians from the Community, in connection with the City's expanded application for a license to sell alcohol and wine at Roanoke Civic Center events. He stated that he understands that the City wants to make

money and compete with other civic centers for concerts and events; however, he requested that it be taken into consideration that alcohol and wine promotes trouble, especially at rap concerts, since rap music promotes violence, degrades women, and degrades authority figures.

Mr. Juan Varr, 3106 Plantation Road, N. E., advised that approximately 230 persons representing 30 churches and 30 different faiths attended a meeting at the Hollins Road Baptist Church on February 10, 2003, to express their concerns with regard to the City's expanded application for a beer and wine license at the Roanoke Civic Center. As a result of the meeting, he stated that a large number of persons indicated a desire to attend the February 20th hearing by the Alcohol Beverage Control Board which is to be held in the Bankruptcy Court in the Poff Federal Building; the Bankruptcy Court will accommodate approximately 70 persons, therefore, a change of venue has been requested to accommodate the large number of persons who are expected to attend. He inquired if the City is prepared to proceed with its application before the ABC Board and encouraged dialogue with those persons in the community who are against issuance of the expanded license.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., referred to battles that are currently being waged within Roanoke's neighborhoods to stop the sale of alcohol, and referred to a hearing before the Alcohol Beverage Control Board that will also take place on February 20th in Richmond, Virginia, led by an Old Southwest Roanoke resident who is seeking to cause a neighborhood market to lose its ABC license for the alleged illegal sale of alcoholic beverages. He stated that the ABC Board should hold the City accountable to the same high standards as any other applicant and deny the City's expanded application to sell alcoholic beverages at Roanoke Civic Center events.

Mr. Al Bedrosian, 8346 Cardington Drive, N. W., addressed Council as a husband and the father of five children. He stated that he has listened to admirable discussion at the Council meeting today on legitimate issues such as not discriminating against people of color, helping the homeless, and the First Street Bridge, but the City stoops to an all time low when it seeks to expand the use of alcohol at the Roanoke Civic Center. He called attention to the following issues reported by the news media; i.e.: it is legal to apply for a license, the people of Roanoke demand to have alcohol, entertainers expect that alcohol will be sold on the premises, and there is a promise by the City that alcohol will not be sold at events where children are in attendance. In response to the above issues, he stated that not everything that is legal is good, there is no substantiated documentation that citizens of Roanoke and entertainers at the civic center expect alcohol to be sold on the premises, and alcohol is currently being sold at sporting events where children are present.

Elizabeth Doughty, President, Roanoke Regional Chamber of Commerce, representing the Executive Committee of the Chamber of Commerce, which is the largest business organization in the western half of the State, with 1,450 members, spoke to the issue of modifying the City's license at the Roanoke Civic Center to sell beer and wine at appropriate events. She advised that the Chamber of Commerce views the license as an issue of competitiveness and economic development. She stated that creating the option to sell beer and wine at a greater number of Civic Center events directed at adults will allow the Civic Center to become competitive in the marketplace and not only create a level playing field between the Salem and Roanoke Civic Centers, but level the playing field among the Roanoke Civic Center's peer venues such as those in Richmond, Washington, D. C., and Greensboro, North Carolina, which compete for the kind of premier events that make Roanoke proud and successful as a community, and by allowing the kinds of services and amenities that will allow the Roanoke Civic Center to meet market demands, leading to a greater chance of success which is a part of economic development benefits. She added that a Civic Center that is competitive in events and amenities will create wealth in the community by attracting people who spend money in Roanoke's hotels, restaurants, and business establishments. She stated that a Civic Center that does not meet market demand in terms of quality of events or experiences will not have the expected economic development benefit. She advised that a representative of the Chamber of Commerce talked with representatives of Civic Centers with which the Roanoke Civic Center competes, and all have the kind of ABC license that allows beer and wine to be sold at a variety of events, and all of these Civic Centers stressed that they use their best judgment to withhold such sales at inappropriate events, such as those directed at children and teenagers. She explained that there is not only precedent for this kind of action, but examples on which the Roanoke Civic Center can draw, and civic center staff will use not only their best judgment but the examples used by other civic centers to sell alcohol appropriately to the consumer.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., spoke in support of the remarks made by previous speakers in opposition to the sale of alcohol at the Roanoke Civic Center. She advised that she lives close to the Civic Center and has been disturbed by loud and foul language and noise created by persons leaving civic center events. She added that this is another example of citizens having to read about the City's proposed actions in the newspaper; and Roanoke cannot be compared with any other city because it is unique and is a city within itself. She asked that Council listen to the citizens and do what is best for Roanoke, that there be dialogue between Council and its citizens; and the City's request to sell alcohol at Civic Center events is a bad decision that the City may regret.

G. Michael Pace, 10 Franklin Road, S. W., spoke from the perspective of an attorney whose business is located in the City of Roanoke, and his involvement in a number of civic and retail initiatives. He expressed support for the granting of an expanded ABC license at the Roanoke Civic Center. He stated that the purpose of the Roanoke Civic Center, as with any civic center or auditorium, is to attract and provide entertainment events on a consistent basis to as many residents and persons outside the region as possible; and in doing so, the civic center promotes economic development, and generates needed revenue for not only the City of Roanoke, but for the Roanoke Valley as a whole. He added that in order to maintain its competitiveness with other facilities in the state, which currently have an expanded ABC license to sell beer and wine at all appropriate events, the Roanoke Civic Center should have the same opportunity. He stated that concerns about control and safety can be adequately addressed by Roanoke Civic Center staff with appropriate policies and safeguards, and there is no reason to believe that the experience of the Roanoke Civic Center will be any different if it has an expanded license similar to those at other facilities with which it competes on a daily basis. On the issue of whether or not the Civic Center will compete with, or cause a disadvantage to establishments in downtown Roanoke in the sale of beer and wine, he advised that these businesses stand to gain by the attraction of more people to the downtown area, and will have the opportunity to serve meals or sell goods either before or after civic center events. He noted that the Roanoke Civic Center is a major contributor to economic development in the Roanoke Valley and the greater Roanoke region, and its reach is far and wide; the Roanoke Valley is the entertainment and cultural hub of the western part of Virginia; and entertainment events are an integral part to any strategy, not only to attract people to the area, but to retain those persons who already live in the Roanoke Valley. For the above reasons, he advised that he supports an expanded ABC license at the Roanoke Civic Center to allow the sale of beer and wine at all appropriate events.

Calvin Johnson, 3530 Windsor Road, S. W., Chairman of the Roanoke Civic Center Commission, advised that the Civic Center has supplied the Roanoke Valley and southwest Virginia with outstanding entertainment events. He stated that as Chairman of the Civic Center Commission, he has not personally received complaints about the sale of alcohol, or other misconduct at the Civic Center, although letters have been received from citizens expressing concern with regard to the request to expand the Civic Center's ABC license. He stated that Roanoke is a diverse community that serves many people and the various ethnic and religious groups are not discriminated against. He added that the Roanoke Civic Center is committed to bringing entertainment events and meetings to the community that will cause citizens to want to live in Roanoke, while encouraging others to visit the

community. Because of the diversity of those served at the Civic Center, he advised that there are those persons who wish to purchase alcoholic beverages, and guidelines are in place to address the issue.

Speaking as a long time member of the Roanoke Regional Chamber of Commerce, the Mayor advised that the view of the Executive Committee as expressed by Ms. Doughty is not the unanimous opinion of the members of the Chamber of Commerce. He expressed concern over broadening the scope of the ABC license at the Civic Center; whereupon, he invited a motion by the Council to instruct Roanoke Civic Center management to rescind its application for expanded usage of alcohol at the Civic Center.

Vice-Mayor Harris moved that Council instruct City staff to rescind its application for increased usage of alcoholic beverages at the Roanoke Civic Center. The motion was seconded by Ms. Wyatt.

Mr. Bestpitch inquired as to who determined the time and location of the ABC Board's hearing; whereupon, the City Manager responded that it was the responsibility of the ABC Board. He inquired if the City has the prerogative to schedule the hearing at a different location that would accommodate a larger number of persons who might be interested in attending; whereupon, the City Manager responded that the City of Roanoke does not have the authority to change the venue or the time of the hearing. She advised that the ABC Board is aware of the significant number of persons who have expressed an interest in the matter.

Mr. Bestpitch offered a substitute motion that Council request the ABC Board to consider relocating the hearing to a location that will accommodate a larger number of persons. The motion was seconded by Mr. Cutler.

Following discussion as to the status of the original motion, versus the substitute motion, the Mayor ruled that the substitute motion was out of order.

Mr. Bestpitch offered a motion to challenge the ruling of the Chair. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder and Cutler-----4.

NAYS: Vice-Mayor Harris and Mayor Smith-----2.

(Council Member Dowe was absent.)

The substitute motion was then adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder and Cutler-----4.

NAYS: Vice-Mayor Harris and Mayor Smith-----2.

(Council Member Dowe was absent.)

CITY MANAGER COMMENTS:

ACTS OF ACKNOWLEDGMENT-BRIDGES: The City Manager expressed appreciation to Council for its leadership in regard to previous action to provide that design of the First Street Bridge will be completed as soon as possible for vehicular one-way traffic and a pedestrian bridge; and for the naming of an appropriate site (the First Street Bridge) in memory of the late Dr. Martin Luther King, Jr., both of which are decisions that will bring the community closer together.

At 5:25 p.m., the Mayor declared the meeting in recess for three closed sessions.

At 6:20 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding and all Members of the Council in attendance, with the exception of Council Member Dowe.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

OATHS OF OFFICE-COMMITTEES-PERSONNEL DEPARTMENT: The Mayor advised that there is a vacancy on the Personnel and Employment Practices Commission, created by the death of Jeanette E. Hardin, for a term ending June 30, 2003; whereupon, he opened the floor for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Virginia Stuart.

There being no further nominations, Ms. Stuart was appointed as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2003, by the following vote:

FOR MS. STUART: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

(Council Member Dowe was absent.)

OATHS OF OFFICE-COMMITTEES-INDUSTRIES: The Mayor advised that there is a vacancy on the Industrial Development Authority due to the resignation of Stark H. Jones, for a term ending October 20, 2006; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Carder placed in nomination the name of Allen D. Williams.

There being no further nominations, Mr. Williams was appointed as a Director of the Industrial Development Authority for a term ending October 20, 2006, by the following vote:

FOR MR. WILLIAMS: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

(Council Member Dowe was absent.)

COMMITTEES-PARKS AND RECREATION: The Mayor advised that there are three vacancies on the Parks and Recreation Advisory Board; whereupon, he opened the floor for nominations.

Mr. Bestpitch placed in nomination the names of Mary F. Monk, Jim Hale and Carl H. Kopitzke.

There being no further nominations, Ms. Monk and Messrs. Hale and Kopitzke were appointed/reappointed as members of the Parks and Recreation Advisory Board, for terms ending March 31, 2006, by the following vote:

FOR MS. MONK AND MESSRS. HALE AND KOPITZKE: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

(Council Member Dowe was absent.)

COMMITTEES-LEAGUE OF OLDER AMERICANS: The Mayor advised that the one year term of office of Vickie F. Briggs as a City representative to the Advisory Committee - League of Older Americans, will expire on February 28, 2003; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Vickie F. Briggs.

There being no further nominations, Ms. Briggs was reappointed as a member of the Advisory Committee - League of Older Americans, for a term ending February 28, 2004, by the following vote:

FOR MS. BRIGGS: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

(Council Member Dowe was absent.)

AIRPORT-OATHS OF OFFICE-COMMITTEES: The Mayor advised that the term of office of James M. Turner, Jr., as a member of the Roanoke Regional Airport Commission will expire on March 9, 2003; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of James M. Turner, Jr.

There being no further nominations, Mr. Turner was reappointed as a member of the Roanoke Regional Airport Commission, for a term ending March 9, 2007, by the following vote:

FOR MR. TURNER: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

(Council Member Dowe was absent.)

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY: The Mayor advised that the terms of office of Sherman V. Burroughs, Raymond DeBose, Jr., and Tuan Reynolds as members of the Fair Housing Board will expire on March 31, 2003; and whereupon, he opened the floor for nominations to fill the vacancies.

Mr. Bestpitch placed in nomination the names of Sherman V. Burroughs, Raymond Debose, Jr., and Tuan Reynolds.

There being no further nominations, Messrs. Burroughs, Debose and Reynolds were reappointed as members of the Fair Housing Board, for terms ending March 31, 2006, by the following vote:

FOR MESSRS. BURROUGHS, DEBOSE AND REYNOLDS: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

(Council Member Dowe was absent.)

OATHS OF OFFICE-COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER: The Mayor advised that the term of office of William White, Sr., as a member of the Hotel Roanoke Conference Center Commission will expire on April 8, 2003; whereupon, he opened the floor for nominations.

Mr. Bestpitch placed in nomination the name of William White, Sr.

There being no further nominations, Mr. White was reappointed as a member of the Hotel Roanoke Conference Center Commission for a term ending April 8, 2007, by the following vote:

FOR MR. WHITE: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

(Council Member Dowe was absent.)

OATHS OF OFFICE-COMMITTEES-CABLE TELEVISION: The Mayor advised that there is a vacancy on the Roanoke Valley Regional Cable Television Committee created by expiration of the term of office of Danny Frei; whereupon, he opened the floor for nominations.

Mr. Bestpitch placed in nomination the name of Delvis O. (Mac) McCadden.

There being no further nominations, Mr. McCadden was appointed as a member of the Roanoke Valley Regional Cable Television Committee, for a term ending June 30, 2005, by the following vote:

FOR MR. MCCADDEN: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Mayor Smith-----6.

(Council Member Dowe was absent.)

At 6:25 p.m., the Mayor declared the meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Tuesday, February 18, 2003, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Vice-Mayor Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PUBLIC HEARINGS:

CITY CODE-ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, February 18, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke, on a proposed amendment to the following sections of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended: Section 36.1-164, Permitted uses, and Section 36.1-185, Permitted uses,

to remove medical clinics as a permitted use in the CN, Neighborhood Commercial District, and the C-1, Office District; and amending and reordaining Section 36.1-165, Special exception uses, and Section 36.1-186, Special exception uses, to add medical clinics as a use permitted by special exception in the CN, Neighborhood Commercial District, and the C-1, Office District, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, February 7, 2003 and Friday, February 14, 2003.

A report of the City Planning Commission recommending approval of the proposed text amendments, advising that the amendments further the intent of Vision 2001-2020 to update the zoning ordinance to accommodate changes in land uses and to protect and improve the quality of life in the City's neighborhoods, was before Council.

Mr. Carder offered the following ordinance:

(#36245-021803) AN ORDINANCE amending and reordaining §36.1-164, Permitted uses, and §36.1-185, Permitted uses, of Division 3, Commercial District Regulations, of Article III, District Regulations, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to remove medical clinics as a permitted use in the CN, Neighborhood Commercial District, and the C-1, Office District; and amending and reordaining §36.1-165, Special exemption uses, and §36.1-186, Special exception uses, of Division 3, Commercial District Regulations, of Article III, District Regulations, of Chapter 36.1, Zoning, of the Code of the City Roanoke (1979), as amended, to add medical clinics as a use permitted by special exception in the CN, Neighborhood Commercial District, and the C-1, Office District; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 135.)

Mr. Carder moved the adoption of Ordinance No. 36245-021803. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter.

There being none, he declared the public hearing closed.

Mr. Bestpitch requested a definition of the term "licensed professional medical practitioners". He advised that "licensed professional medical practitioners" has a specific and limited meaning that the individual has attended medical school, graduated and subsequently been licensed to practice the profession of medicine.

The City Attorney advised that according to research performed by his office and the Zoning Administrator, it has been determined that a broad term is used in the State Code to refer to a variety of medical practitioners or professions that are now registered by the State, other than that which is traditionally thought of as physicians.

Mr. Bestpitch advised that a medical practitioner is a person who has attended medical school, and any person who practices an associated health related profession may be helping people to heal, but they are not medical practitioners; therefore, he stated that he was unsure of what the proposed ordinance will accomplish. He stated that many of these types of clinics have only one medical director who is not always on the premises on a full time basis and because there is only one licensed professional medical practitioner, it can be said that the facility is not a medical clinic, but a medical office, and may continue to operate by right in those instances where the City is of the opinion that it should operate by special exception. He requested some form of verification that the Commonwealth of Virginia has changed its definition of the meaning to practice medicine, and cautioned attempts by the City to amend the City Code to state that "licensed professional medical practitioners" does not mean today what it meant several years ago. He advised that "licensed medical practitioners" has one clear, specific and limited meaning -- doctor.

There being no further discussion, Ordinance No. 36245-021803 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Carder, Cutler, Dowe and Mayor Smith-----6.

NAYS: Council Member Bestpitch-----1.

EASEMENTS-SPECIAL PERMITS: Pursuant to action of the Council, the City Clerk having advertised a public hearing for Tuesday, February 18, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal of the City of Roanoke to allow encroachment of an awning extending at

least eight feet and eight inches above the sidewalk and approximately 30 inches into the public right-of-way at the corner of 1 West Campbell Avenue and Jefferson Street, S. W., the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, February 7, 2003.

A report of the City Manager advising that Hong Ki Min, owner of 1 West Campbell Avenue, located at the corner of Campbell Avenue and Jefferson Street, has requested permission for a tenant (applicant) to install an awning that will create an encroachment into the public right-of-way of Jefferson Street, S. W.; the revocable encroachment will extend approximately 30 inches into the right-of-way of Jefferson Street, at a height above the sidewalk of 8'8"; the right-of-way of Jefferson Street at this location is approximately 61 feet in width; and liability insurance and indemnification of the City by the applicant shall be provided, subject to approval of the City's Risk Manager.

The City Manager recommended that Council adopt an ordinance, to be executed by the property owner and recorded in the Clerk's Office of the Circuit Court for the City of Roanoke, granting a revocable license to the property owner of 1 West Campbell Avenue, to allow installation of an awning that encroaches into the right-of-way of Jefferson Street, S. W.

Mr. Carder offered the following ordinance:

(#36246-021803) AN ORDINANCE granting a revocable license to permit the installation and encroachment of an awning extending at least eight feet eight inches (8'8") above the sidewalk and approximately thirty (30) inches into the public right-of-way at the corner of 1 West Campbell Avenue and Jefferson Street, S. W., and bearing Official Tax No. 1011127, upon certain terms and conditions; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 137.)

Mr. Carder moved the adoption of Ordinance No. 36246-021803. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter.

There being none, he declared the public hearing closed.

There being no questions/comments by Council Members, Ordinance No. 36246-021803 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.

NAYS: None-----0.

CITY MARKET-LEASES: Pursuant to action of the Council, the City Clerk having advertised a public hearing for Tuesday, February 18, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal of the City of Roanoke to award a contract for lease and management of the Historic City Market Building, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, February 7, 2003.

A report of the City Manager advising that in response to a Request For Proposals for Operational Management of the City Market Building, which was advertised on November 8, 2002, the City received four proposals for lease and management; a review team interviewed all four firms and after thoroughly reviewing each proposal and checking references, the review team selected Advantis Real Estate Services Company as its first choice to provide the requested services, due to the company's level of experience, specific experience with similar operations, commitment to cleanliness, extensive leasing and marketing capability and experience with tenant relations, was before Council.

The City Manager recommended that she be authorized to enter into a Lease and Management Agreement, to be approved as to form by the City Attorney, with Advantis Real Estate Services Company, for a term of one year with one, one year renewal option, at a management fee of \$24,000.00 for the initial term and \$25,200.00 for the renewal term, which funds were previously appropriated by Council.

Mr. Carder offered the following ordinance:

(#36247-021803) AN ORDINANCE authorizing the City Manager to enter into a lease and management agreement with Advantis Real Estate Services Company, for the lease and management of the City Market Building, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 139.)

Mr. Carder moved the adoption of Ordinance No. 36247-021803. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter.

There being none, he declared the public hearing closed.

There being no questions/comments by the Members of Council, Ordinance No. 36247-021803 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.

NAYS: None-----0.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, report and recommendation to Council.

MILITARY ACTION-COUNCIL: The Reverend Rusty Dinkins-Curling, 2817 Cumberland Street, N. W., presented a resolution proposed by an organization known as Alternatives to War, opposing unilateral preemptive military action against Iraq by the United States of America. He requested that Council adopt the measure opposing the United States threatened violation of the United Nations Charter by unilateral preemptive military action against Iraq and the precedent such action would establish, and that the President and the Congress be urged to work with and through the United Nations to obtain compliance by Iraq with United Nations Security Council resolutions and that war should not be undertaken unilaterally or preemptively by the United States.

Ms. Susie Fetter, 2923 Carolina Avenue, S. W., spoke in support of adoption of the above referenced resolution for reasons dealing primarily with the potential for humanitarian disaster, displacement of people, and the potential unintended consequences that may have global possibilities. She addressed economic concerns, and advised that the estimate of war is between \$100 and \$200 billion, in addition to the present defense budget, which means fewer resources for communities like the City of Roanoke.

Ms. Gene Edmunds, 2322 Rosalind Avenue, S. W., Chaplain, Roanoke City and Roanoke County Jails, advised that as a Christian minister, she is naturally opposed to war in general, and to this war in particular, for those reasons set forth in the resolution. She referred to the potential for loss of lives on all fronts as a result of the war, and called upon Council to provide the necessary leadership by adopting the proposed measure opposing the war on Iraq.

Ms. Willow Dees, 517 Allison Avenue, S. W., spoke in support of adoption of the resolution. She stated that she previously worked at a homeless shelter where she had daily contact with veterans, both of the Gulf War and of previous conflicts, who were dealing with mental health problems, physical health problems, addictions, homelessness, and poverty, and it was obvious that available services/resources locally were not sufficient to meet their needs. She stated that she was appalled that the United States government is considering creating more veterans and sending more service people into danger and into war when it is obvious that veterans of previous conflicts are not adequately cared for.

COMPLAINTS-ACTS OF ACKNOWLEDGMENT-ROANOKE CIVIC CENTER: Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke against the sale of alcoholic beverages at the Roanoke Civic Center.

In recognition of his retirement as a local business man and a community and state leader, Mr. Craft suggested that Council honor Roanoke's Delegate to the House of Representatives, A. Victor Thomas, for his many contributions.

COMPLAINTS: Mr. Robert Gravely, 3860 Hershberger Road, N. W., expressed concern with regard to the overall condition of the City of Roanoke.

At 8:30 p.m., the Mayor declared the meeting in recess until Thursday, February 27, 2003, at 10:00 a.m., at the Roanoke Regional Training Center, 1220 Kessler Mill Road, Salem, Virginia, for a Joint Meeting of the Roanoke City Council and the Roanoke County Board of Supervisors, to discuss a Regional Water and Sewer Authority.